

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -OCTOBER 17, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:55 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-513) Proclamation extending a warm welcome to Father Adonay and proclaiming greetings and expressions of friendship and goodwill to the people of Asuchio.

Stewart Chen, Social Services Human Relations Board Member (SSHRB), stated the Sister City workgroup's goal is to increase and foster relationships with cities around the world, as with Japan, China and Sweden; the latest project is to increase a friendship city relation with El Salvador; the SSHRB is requesting Council to present a proclamation of recognition; introduced Father Adonay.

Mayor Johnson welcomed Father Adonay to the United States and Alameda; stated Councilmember Matarrese has been to Father Adonay's home with other Alameda residents.

Councilmember Matarrese moved approval of the proclamation.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson read the proclamation.

Through an interpreter, Father Adonay stated he is here to represent the community and the Asuchio City Council and is happy to be in California to establish ties of friendship and communication; Asuchio needs helping hands to develop in the future; poverty and other problems exist in Asuchio; thanked the Council for inviting him and hopes that the visit will serve to increase the friendship relationship between the two communities; presented a key to the Mayor and Council.

Mayor Johnson stated the Directiva is the Council in Asuchio;

inquired how many members are on the Council.

Father Adonay responded eight members; stated recently a Director has been elected.

Mayor Johnson stated many Directiva members planned to visit Alameda but were not able to get through the process; she hopes the members are able to visit Alameda soon.

The interpreter read an excerpt from a letter written from the Asuchio Directiva.

Mayor Johnson presented the proclamation, City plate, and mugs to Father Adonay.

#### CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 06-514] were removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(06-514) Minutes of the Special and Regular City Council Meetings held on October 3, 2006.

Councilmember Daysog stated that he provided corrected language for the October 3, 2006 Regular Meeting minutes to the City Clerk's office.

Councilmember Daysog moved approval of the minutes with noted correction.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*06-515) Ratified bills in the amount of \$2,516,168.84.

(\*06-516) Recommendation to accept the Annual Investment Report for the 2005-2006 Fiscal Year. Accepted.

(\*06-517) Recommendation to approve Contract in the amount of \$41,256 to Sunnyvale Building Maintenance for Cleaning Service for the Police Administration Building. Accepted.

(\*06-518) Resolution No. 14029, "Authorizing the Purchase of Two New Type-3 Fire Ambulances Using the North County Fire Protection District's Competitive Bid Award and Approving a Purchase Agreement with Leader Industries in an Amount Not to Exceed \$268,925.29." Adopted.

#### REGULAR AGENDA ITEMS

(06-519) Public Hearing to consider a General Plan Amendment (GP05-0001) to remove a 4.6-acre portion from the 10-acre planned Estuary Park in the MU-5 (Specified Mixed Use - Northern Waterfront, Willow Street to Oak Street), and rezoning (R05-003) for properties located at 2241 and 2243 Clement Street from M-2 General Industrial (Manufacturing) District to R-4/PD Neighborhood Residential/Planned Development Combining District in order to allow for residential development of up to 242 dwelling units. The properties are located north of Clement Street, west of Oak Street, and adjacent to the Oakland-Alameda Estuary. Applicant: Francis Collins dba: Boatworks; and

(06-519A) Introduction of Ordinance Rezoning Portions of Property Located at 2241 and 2243 Clement Avenue from M-2, General Industrial (Manufacturing) District to R-4, Neighborhood Residential and PD, Planned Development Combining District (R-4/PD). Introduced.

The Supervising Planner provided a brief presentation.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of General Plan Amendment): Robert McGillis, Philip Banta Associates Architecture (provided handout); Greg Harper, Attorney for Applicant.

Opponents (Not in favor of General Plan Amendment): Joseph Woodard, Estuary Park Action Committee (EPAC) (provided handout); Dorothy Freeman, EPAC; Sue Field; Alameda; Jay Ingram, Alameda; Deb Greene, EPAC; Doug Siden, East Bay Regional Park District; Jon Spangler, Alameda; Jason Snyder, Alameda.

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Councilmember Daysog left the dais at 8:26 p.m. and returned at 8:28 p.m.

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There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Following Jay Ingram's comments, Mayor Johnson inquired whether the park space would remain at ten acres.

The Supervising Planner responded the General Plan calls for ten acres of open space; stated only a portion of the ten acres is within the applicant's property.

Mayor Johnson inquired whether the ten acres would be kept as open space under all circumstances.

The Supervising Planner responded residential rezoning would not be recommended for the ten acres.

Mayor Johnson inquired whether the green area was ten acres and would stay proposed open space, to which the Supervising Planner responded in the affirmative.

Following Robert McGillis' comments, Vice Mayor Gilmore inquired whether Mr. McGillis stated that he did not think a General Plan Amendment was necessary, to which Mr. McGillis responded in the affirmative.

Mayor Johnson requested further explanation on Project Site #9.

Mr. McGillis stated Project Site #9 shows what the shoreline would look like, which would include a boardwalk, boat docks, a pier, walkway, and bikeway.

Mayor Johnson inquired what are the structures, to which Mr. McGillis responded two family units.

Mayor Johnson stated the structures look very high; inquired what would be the height of the structures.

Mr. McGillis responded the structures would be 35 foot, three-story townhomes.

Councilmember deHaan inquired whether 42 duplexes were proposed for the 7.2 acres in 2001.

Mr. McGillis responded in the affirmative; stated Mr. Collins only owned one of the two parcels at that time.

Councilmember deHaan inquired how many acres are on the additional parcel, to which Mr. McGillis responded 2.4 acres.

Councilmember deHaan inquired whether approximately 115 units would

be on the original property, to which Mr. McGillis responded possibly.

Councilmember deHaan inquired whether 242 units would be on the ten acres.

Mr. McGillis responded in the affirmative; stated there is more land; the 25% inclusionary criteria triggered the State density bonus.

Councilmember deHaan inquired whether other things have been put into the equation to push the number up, to which Mr. McGillis responded in the affirmative.

Following Greg Harper's comments, Mayor Johnson inquired what are the options in terms of rezoning the property; stated Project Site #9 structures are very tall and not like other Alameda waterfront property.

The Supervising Planner responded staff recommended R-4 with a Planned Development (PD) overlay; stated Housing Element consistency could be maintained with R-3/PD or R-2/PD.

Mayor Johnson inquired about the height limit, to which the Supervising Planner responded the height limit could be addressed with a PD overlay.

Mayor Johnson stated the structures look like a big wall on the waterfront; now is not the time to start this type of development; inquired what would be the height limit for R-2/PD, to which the Supervising Planner responded 30 feet.

Mayor Johnson inquired whether the height limit is higher for R-4/PD, to which the Supervising Planner responded the height limit would be 35 feet.

Mayor Johnson inquired whether height adjustments could be made with a PD overlay, to which the Supervising Planner responded in the affirmative.

Councilmember Matarrese stated the drawings do not show 300 feet between the houses and the shoreline; the General Plan requires 300 feet; inquired whether ten acres are approximated when the 300 feet is carried from east to west across the parcel's waterfront, to which the Supervising Planner responded in the affirmative.

Councilmember Matarrese stated MU-5 does not just accommodate the parcel referenced by the attorney and architect, but also

encompasses the parcel south of Clement Avenue as well as west; the intention was never to put all 300 units on the little piece of property; inquired whether the property is meant to have a 300-foot span from the water to whatever is developed is residential, mixed-use according to the General Plan was residential, mixed use, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired whether the property could be rezoned and still have the potential of the ten-acre park, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired what is the nearby residential zoning.

The Supervising Planner responded Mr. Snyder's Elm Street property is zoned R-4; stated the Oak Street property, south of Clement Avenue and along Oak Street, is zoned R-5.

Mayor Johnson inquired whether the areas shown on the zoning map are consistent with the General Plan.

The Supervising Planner responded generally the areas are consistent with the exception of some of the M-2 zoning within the MU-5 General Plan designation.

Vice Mayor Gilmore stated the intention was never to cram 242 units onto the single parcel; the 13.89 acres could possibly have 333 housing units after setting aside land for the park, roads, etc; the General Plan does not state that all residential units have to be shoehorned on the one little piece of property; other parcels can accommodate residential in the area.

Mayor Johnson stated the Planning Board went through a process of reviewing areas for consistency with the General Plan ten years ago; other uses make the area R-4 commercial manufacturing, not the residential structures; she does not recall seeing large residential structures in the area; the area would be more consistent with surrounding areas if zoned R-2.

The Supervising Planner concurred with Mayor Johnson, as long as there is a PD overlay provision.

Councilmember Daysog stated the Collins' proposal comes out to be approximately 26 units per acre; the math comes out to be approximately 17 units per gross acre when looking at the Supervising Planner's conversions of one unit per 2,000 square feet; the Collins' proposal is coming in too high and argues for something lower than R-4; growth is encouraged, but at a density that fits the City of Alameda.

Mayor Johnson stated other residential structures in the area are not as dense as would be allowed in R-4 or R-5; other uses in the areas are the reason for the zoning.

Councilmember deHaan stated the original proposal included 42 duplexes with 84 units on 7.2 acres; 2.4 acres were added; 4.2 acres were extracted for open space; now over 300 units are proposed; inquired how long the owner has been in control of the property, to which the Supervising Planner responded 20 years.

Councilmember deHaan inquired what is the likelihood of getting the additional 5.8 acres from the other area.

The Supervising Planner responded the City's ability to get the land comes down to the City's ability to purchase the land; stated the City's goal should be to purchase the land; the applicant is open to discussing the land purchase.

Councilmember deHaan inquired whether the City looked at the 10 acres immediately off Clement Avenue for grant purposes at one point.

The Supervising Planner responded the City submitted a grant application to the State for money to purchase Estuary Park.

Councilmember deHaan inquired where the land is positioned, to which the Supervising Planner responded where the land is shown on the General Plan.

Councilmember deHaan stated that he saw a setback off of Clement Avenue.

The Supervising Planner stated he was not aware of one.

Councilmember Daysog stated tremendous pressure exists to build and convert industrial sites into residential sites on both sides of the Estuary; warehouse land value is approximately \$2.2 million per acre, manufacturing is approximately \$2 million per acre, and flex space is approximately \$1.9 million per acre; the gross residential value is approximately \$8 million to \$11 million per acre; lessons need to be learned from Oakland; the density is too high; the Collins' numbers are more consistent with the other side of the Estuary [Oakland]; Council needs to have serious discussions on the numbers desired, if rezoning is considered; he cannot vote on the matter until he is sure that he understands what the density would be.

Councilmember deHaan inquired what would be the open space requirement within the 4.6 acres under R-4.

Mayor Johnson stated she is not prepared to support the project under R-4; inquired what would be the open space requirement under R-2.

The Supervising Planner responded open space requirements vary; stated each unit must provide 600 square feet of open space under R-2, 500 square feet under R-3, and 400 square feet under R-4.

Councilmember Daysog inquired what is the typical unit per gross acre under R-2.

The Supervising Planner responded the Marina Cove development was zoned R-4/PD; stated the lot sizes average approximately 3,500 to 4,000 square feet.

Councilmember Daysog inquired how many dwelling units there would be per gross acre, to which the Supervising Planner responded the Marina Cove development has approximately 12 units per gross acre.

Councilmember Daysog stated he initially had concerns with the Marina Cove development, but the development is getting better.

The Supervising Planner stated a variety of different densities have been approved using R-4/PD; the open space per unit requirement varies from zone to zone.

Councilmember Matarrese inquired whether Council action could be broken down into two components; stated one component would be to rezone a portion of the parcel to match the General Plan and the other would be to deny a General Plan Amendment.

The Supervising Planner responded in the affirmative.

Councilmember Matarrese stated the General Plan calls for a ten-acre or more Estuary Park running 300 feet from the shore from the Estuary south, specifies mixed-use, and also specifies that there should be capacity for 300 residential units in the remaining parcels north of Clement Avenue and the two parcels south of Clement Avenue.

Mayor Johnson inquired whether the General Plan language states up to 300 units; stated the paperwork states 300, but the General Plan states up to 300 units.

Councilmember Matarrese clarified that he stated capacity for 300



residential units; stated the City accepts applications and regulates development; the proposed development is not a City project; he is inclined to deny the request for a General Plan Amendment because the General Plan Amendment preserves the chance to have an Estuary Park and indicates that there are approximately three sites that would allow up to 300 dwelling units.

Councilmember Matarrese moved approval of denying the request for the General Plan Amendment.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Matarrese stated R-4 zoning is too high; the zoning should be R-2 to match what exists in the area; the level of development [R-2] also matches the intent of the General Plan to spread [units] across the three parcels.

Mayor Johnson inquired whether there was a motion on the zoning.

Vice Mayor Gilmore inquired how many dwelling units there would be if the 4.8 acres were rezoned to R-2 and 600 square feet was considered for open space, to which the Supervising Planner responded 80 to 100 units.

Councilmember deHaan inquired what is a comparable project, to which the Supervising Planner responded the Marina Cove Project.

Mayor Johnson inquired whether there is a comparable open space project.

The Supervising Planner stated that the Marina Cove Project is not a good example because of the private open space yards within each unit and the Project has a 1.5-acre park.

Councilmember Daysog stated numbers need to be nailed down; the 4.81 acres equals 3.84 acres when streets and sidewalks, etc. are extracted; 3.84 acres translates to 167,618 square feet; 167,618 square feet divided by 2,000 is 83 units; 83 units divided by the gross acres equals 17 units per acre.

The Supervising Planner stated his previous number [80 to 100 units] is wrong; the high end would be closer to 83 units; the low end would be lower than 83 units.

Vice Mayor Gilmore stated she is more interested in the high end, and that is the number she wants nailed down.

Councilmember Daysog stated that 17 units are better than the applicant's proposed 26 units; the question is whether 17 units are desirable.

The Supervising Planner stated a commitment has been made in the Housing Element to get a certain number of affordable housing units in the MU-5 area.

Councilmember Matarrese stated the commitment is not to put all of the units on the parcel.

Councilmember deHaan inquired whether the owner reviewed other development opportunities.

Mr. Harper responded a proposal was submitted for work/live; stated the General Plan dictates what can be done.

Councilmember deHaan inquired what would be the value to sell to the City.

Mr. Harper responded the land becomes more valuable closer to the Estuary; the City wants half of the applicant's property and also wants the most valuable half; a tremendous commitment would be required and is one that the City should have undertaken long ago.

Councilmember deHaan inquired whether cleanup evaluations have been performed.

Mr. Harper responded the cleanup is almost complete.

Councilmember deHaan inquired whether the cleanup is almost complete even though the buildings have not been removed.

Mr. Harper responded surveys have been done; stated cleanup has been underway for a long time; the land is not that contaminated; the applicant intends to clean up to full standards.

Councilmember deHaan inquired whether determinations have been made on the park portion, to which Mr. Harper responded in the affirmative.

Councilmember deHaan stated cleanup considerations would need to be addressed if the City purchased the property.

Mr. Harper stated the applicant would perform the cleanup if the City wants to buy the property.

Councilmember deHaan inquired whether 60 [foot] setbacks are part

of Bay Conservation and Development Commission (BCDC) requirements.

Mr. Harper responded the BCDC requirement is to provide maximum feasible public access.

Councilmember deHaan inquired what is the setback on the waterfront conceptual drawing.

Mr. Harper stated the Corp of Engineers owns property between the waterfront and the water line; the setback is between 10 and 12 feet in addition to the Corp property.

Mayor Johnson inquired how many housing units could be in the three MU-5 areas, if zoned R-1 or R-2.

The Supervising Planner responded 300 units, if zoned R-2 or R-3, and less than half [of 300 units] if zoned R-1.

Vice Mayor Gilmore inquired whether there is a high range of 80 to 83 units in the 4.8 acres under R-2 zoning with leaving the PD out, to which the Supervising Planner responded in the affirmative.

Mayor Johnson inquired when rezoning would be done for the other parcels not included tonight.

The Supervising Planner responded a time has not been scheduled; stated tonight's portion has been expedited because the applicant has been insistent.

Mayor Johnson stated the rezoning should be brought back to Council for the other parcels.

Councilmember deHaan stated there seems to be a higher percentage sought [for the park area] north of Clement Avenue; inquired why the same percentage would not be sought all the way through.

The Supervising Planner responded the General Plan vision is a ten acre park with a minimum of 300 feet along the waterfront; Mr. Dutra's property has a long frontage and is not very deep; the City would acquire almost all of the Dutra property if the City proceeds with the acquisition of property for a park; the City would acquire only half of the Fox-Collins' property.

Councilmember deHaan stated 300 feet [along the Estuary] results in ten acres; the Dutra property is no longer 300 feet, but is deeper.

The Supervising Planner stated the parcel maps shows the 300-foot ban picks up almost all of the Dutra property.

Mayor Johnson stated the open space is defined by the General Plan.

Councilmember deHaan stated he is concerned that there should be more property than what is shown.

The Supervising Planner stated the proposal is based on the General Plan language; the General Plan provides guidance in some of the explanatory text.

Mayor Johnson stated Council is not adopting a diagram of how the open space would be configured.

The Supervising Planner stated the diagram shows the general distribution of land use throughout the City.

Councilmember Matarrese stated the previous motion upheld the 300-foot description as written in the General Plan.

Councilmember Matarrese moved approval of rezoning to R-2/PD the MU-5 area encompassed within the proposed project plot that does not include the required portion for the Estuary Park, as per the description in the General Plan, and bringing the other MU-5 parcels back to the Planning Board for a recommendation to the Council at a future date.

Councilmember Daysog inquired whether the proposed rezoning precludes the densities that the Collins' property originally reviewed, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Gilmore, Matarrese and Mayor Johnson - 4. Noes: Councilmember deHaan -1.

Mayor Johnson stated Mr. Siden indicated that potential funding would be available in the next couple years through ballot measures; the City should review how the property could be acquired; a General Plan open space designation is one thing, but someone else owning the land is another thing to do; Council gave direction to bring back a proposal for a Beltline Task Force; suggested having a similar Task Force, or perhaps use the same Task Force, to determine how to purchase the property.

Councilmember Matarrese concurred with Mayor Johnson; clarified that the City has been serious about the matter before; Council put a million on the table and the Parks and Recreation Department put together an application for funding twice but was unsuccessful;

Council is serious about the matter and will be serious in pursuing the purchase; the next level is to make sure there are on-going searches along with what is being done with the Beltline.

Mayor Johnson stated finding money for City parks is very difficult.

Vice Mayor Gilmore stated that she likes the idea of utilizing the Beltline Task Force; citizens' expertise would be pulled together; efforts would not be duplicated and would be coordinated; hopefully the same staff person could be utilized on both issues.

Councilmember Daysog stated one thing to consider is the option of not doing anything; there is something to be said about the virtues of industrial space in light of the fact that said space is receding on the other side of the Estuary and other parts of the East Bay; industrial space equates to jobs; potentially, a number of jobs will be out at Alameda Point; building does not have to occur everywhere; there are costs associated with open space; he likes that the City is moving forward with the Beltline property; the General Plan designates a plan for open space; however, sometimes hard choices need to be made; he would rather put focus on the Beltline property and contemplate whether to continue envisioning the area as open space rather than industrial space because of jobs.

Mayor Johnson stated Alameda is short on open space; there are few opportunities for adding open space to the City's inventory; the City needs to take the opportunities when possible; the area is residential also; the neighborhood was built before there was planning; the area would not have been developed the same way if planning had been available; she is not convinced that the area should go back to industrial.

Councilmember Matarrese stated that Council voted unanimously to keep the General Plan the way it is.

Councilmember deHaan stated funding is a concern; previously, \$4 million was requested for the park area; the City would be obtaining 4.2 acres during the transaction and then would need to look at the obligation of trying to figure out how to obtain the other acres as the acres become available.

Mayor Johnson stated the Task Force would look into acquiring the entire property, not part.

Councilmember deHaan requested detailed information on what the maximum number of units would be for R-2 levels and an explanation

of the passive space requirements when the matter comes back to Council; stated he is concerned about 83 units; other passive spaces are needed; requested staff to please provide what said amount of space would be so Council understands what is normally required; that he does not believe that it would be 83 units; the number would drop down maybe another quarter of an acre.

Councilmember Daysog stated his understanding of the 83 units is predicated on the 17 units per gross acre which he interprets to be the maximum end, which could be lower.

Mayor Johnson stated Council direction could incorporate the direction given two weeks ago for the Beltline Task Force; the Beltline Task Force could also be the Task Force for the entire ten acre Estuary Park.

The City Manager stated that Council approved developing the Beltline Task Force; the scope would be expanded.

(06-520) Resolution No. 14030, "Adoption of Resolution Declaring the Intent of the City Council to Rezone the 22-Acre Beltline Railroad Property Consistent with Voter-Approved Measure E (Open Space/Park Use) as Soon as the Property is Acquired by the City of Alameda." Adopted.

The Parks and Recreation Director provided a brief update.

Doug Siden, East Bay Regional Park District, stated a lot of cities would be envious of Alameda realizing the opportunity for a park with land in the heart of the City.

Jon Spangler, Alameda, stated it is nice to know that the City has moved quickly despite some contrary community comment.

Councilmember Daysog thanked the City Attorney and City Manager staff for turning the Resolution around so quickly.

Councilmember Matarrese moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(06-521) Recommendation to approve Request for Proposals for purchase of five all-electric vehicles for the City fleet.

The Public Works Director provided a brief presentation.

Councilmember deHaan inquired whether staff is comfortable with

purchasing a particular product.

The Public Works Director responded that he has done a lot of research on electric vehicles; stated staff feels eight vendors would be able to provide proposals.

Councilmember deHaan stated charging station locations are a concern; inquired whether the majority would be in the City Hall area.

The Public Works Director responded the charging stations would be scattered throughout the City; stated there are some charging stations in the City already; there are two stations at the Lincoln Avenue parking lot which can charge four vehicles; Alameda Power and Telcom has a charging station that can charge one vehicle and has two in storage; one charging station would be needed at City Hall West; another charging station would be in the City Hall parking lot; the Police Department parking enforcement officers use electric vehicles; locations are still being reviewed.

Councilmember deHaan stated the staff recommendation is the first effort in converting a lot of the City vehicles to electric; the Master Plan needs to address charging station locations.

Councilmember Matarrese stated the Request for Proposals is a great step and is a long time coming; he appreciates all the work that has been done and is ready to move forward.

Councilmember Matarrese moved approval of the staff recommendation.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(06-522) Recommendation to appropriate \$100,000 in Measure B funds to update the City's Traffic Model, authorize preparation of a General Plan Amendment (GPA) to the Transportation Element, and direct staff to include the proposed transportation policies recommended by the Transportation Commission in the GPA.

The City Engineer provided a brief presentation.

Councilmember Daysog stated that he likes Transportation Policy No. 1 through 6; he is a little concerned with Transportation Policy No. 7; he interprets Transportation Policy No. 7 to state it is okay if the Atlantic Avenue and Webster Street traffic has a bad level of service; he is concerned with having an overarching policy that overrides the impacts, which should be evaluated on a case-by-case basis; citizens could say that the level of service might be

degraded at Atlantic Avenue and Webster Street but nothing can be done because of Policy No 7.

The City Engineer stated the community would have the opportunity to review the impact levels through the environmental review process; currently the General Plan stops at level of service D; anything below Level D is not allowable; decisions could be made regarding acceptable minutes of delay and service levels through the review process; level of service F might not be acceptable and could be discussed through the environmental review process.

Vice Mayor Gilmore stated the staff analysis notes that Policy No. 4 is consistent with the current General Plan's Transportation Element policies; she does not recall an analysis on the overall City network when environmental impact reviews (EIR) are done; inquired whether Transportation Policy No. 4 is followed when EIR's are done currently.

The Civil Engineer responded developers often times lay out the network, such as pedestrian and bicycle corridors and transit routes, during the EIR process.

Vice Mayor Gilmore stated she thinks about streets and roads throughout the City, not just in the adjacent neighborhood, when she reads the term "overall City network;" the wording might need to be changed if her interpretation is wrong.

John Knox White, Transportation Commission Chair, stated that Vice Mayor Gilmore's interpretation is correct; an example would be the Alameda Landing EIR, which will be coming to Council; specifically, the EIR addresses bike parking and pedestrian issues within the project, not throughout the City; the Transportation Commission has requested that the scope be broadened, which is the exact intent of Transportation Policy No. 4; streets next to the project are not being reviewed now.

Mayor Johnson stated "TMP" means Transportation Master Plan on Policy No. 6; inquired what "TDM" means.

The Transportation Commission Chair responded "TDM" means Transportation Demand Management; stated an example would be the Alameda Reuse and Redevelopment Authority (ARRA) discussion on the Preliminary Development Concept at Alameda Point; options (other than building roadways) are discussed to mitigate a project's traffic impact.

Mayor Johnson inquired whether the process would be along the lines of a program that releases the findings, to which the



Transportation Commission Chair responded in the affirmative.

Mayor Johnson inquired whether reducing traffic would be discussed, not just mitigating traffic.

The Transportation Commission Chair responded in the affirmative; stated discussions would address increasing the mode share away from driving so that surrounding neighborhood impacts and development impacts would be less.

Councilmember deHaan requested background on how the City went through the public communication feedback to derive the policies.

The Transportation Commission Chair inquired whether Councilmember deHaan meant the Transportation Master Plan specifically, to which Councilmember deHaan responded in the affirmative.

The Transportation Commission Chair responded a number of public Sub Task Force meetings were held with various Boards and Commissions after Council approved the Transportation Master Plan in 2004; stated the City started a website that involved an e-mail mailing list; twelve or thirteen public meetings have been held on the Transportation Master Plan; he does not want to tie the Transportation Master Plan process into the seven policies; since June, the Transportation Commission worked under the EIR guidelines to create the seven recommended policies; the Transportation Commission looked at a number of EIRs; the seven recommended policies reflect the spirit of what the Transportation Master Plan has been moving forward with but has not adopted yet; the Transportation Commission wanted to recommend to Council that the policies be guidelines, whether adopted in the Transportation General Plan or not, when looking at the EIRs.

Councilmember deHaan inquired whether the seven policies are a direct outgrowth of the community input, to which the Transportation Commission Chair responded in the affirmative.

Councilmember deHaan inquired whether Policy No. 7 addressed a 55 second delay, to which the Transportation Commission Chair responded in the affirmative.

Councilmember deHaan inquired what is the level of a 55-second delay], to which the Transportation Commission Chair responded Level E.

Councilmember deHaan inquired what level most intersections are today, to which the Transportation Commission Chair responded the majority are between Level B and C.

Councilmember deHaan stated Level E is quite concerning; inquired whether the public had concerns or expressed a desire for Level E.

The Transportation Commission Chair responded the recommendation is to acknowledge congestion, look at intersections, and have a public process in which a specific determination would be made; stated the 55-second delay was just an example.

Councilmember Matarrese inquired whether Policy No. 7's intent is to look at the significance of automobile congestion versus a trade off for being able to accommodate and encourage mass transit.

The Transportation Commission Chair responded that much of the discussion was around proposals for eight and nine lane intersections to mitigate congestion at Atlantic Avenue and Webster Street; stated the Commission felt the proposals were not in holding with Alameda's character; the Commission felt rather than building wide intersections and super high speed wide roads that cut neighborhoods off, that it might be better to accept certain congestion levels at commuter peak hours.

Councilmember Matarrese stated Policy No. 7 states that congestion is not considered to be a significant environmental impact; he would like to see Policy No. 7 address a trigger point that the Transportation Commission Chair explained; studies and a public process should be done to weigh the balance when faced with measures that would be more detrimental than the congestion which would result if it stays the way it is; an example would be expanding the Appezzato Parkway and Webster Street intersection to multiple lanes, which would be a disaster.

Mayor Johnson stated Policies No. 1 through 6 look like good goals; Policy No. 7 should be reviewed because impacts should be understood; inquired whether Policy No. 7 would omit a Level D rating in the analysis of intersections.

The Transportation Commission Chair responded the current Transportation Master Plan recommendations still have Level D; the proposed recommendation would identify intersections ahead of time; higher congestion might be acceptable at certain times of the day.

Councilmember Daysog stated that he read Policy No. 7 as putting traffic planning on autopilot; certain congestions are bound to occur at certain places, but would not be considered a significant environmental impact based upon Policy No. 7; more lanes being contemplated for a certain road is a good example of where lanes are the solution but the medicine would kill the patient; the

process works in that people are able to step up and acknowledge the problem and other options are reviewed; he feels that Policy No. 7 needs to be flushed out.

Mayor Johnson stated that Policy No. 7's language needs work; Policies No. 1 through 6 look like good goals to have; the policies should be changed to be more like guidelines.

The Transportation Commission Chair stated the recommendation is twofold; the first recommendation is that the policies are guidelines for the EIR policy; the second recommendation is to go forward with the TMP and adopt the TMP as policies into the General Plan as part of the Transportation Element; the Transportation Commission wanted to get the recommendations to Council before a number of very large EIR's came up so that the recommendations could be considered as guideline policies.

Mayor Johnson stated the policies are good because the policies address the issue of traffic reduction, not just mitigation and the Travel Choice shows that traffic reduction is possible if the right efforts are made; she is okay with Policies No. 1 through 6; Policy No. 7 needs more work to make sure the intent is correct.

The Transportation Commission Chair stated at the Transportation Commission meeting next week, the policies going forward with the TMP would be discussed.

Mayor Johnson inquired whether the A through F level of service ratings would change, to which the Transportation Commission Chair responded in the negative.

Councilmember Daysog stated Policy No. 7's first sentence could be interpreted more broadly in that the Policy is not just about congestion but is about other impacts associated with congestion such as noise and air quality.

Councilmember deHaan stated he has an additional concern with Policy No. 7; already many activities occurring across the Estuary have impacts on the City's intersections; Oak Street to Ninth Avenue is a good example; inquired whether situations might occur where widening or creating additional automotive traffic lane options should be considered.

The Transportation Commission Chair responded the 1990 General Plan specifically states that increasing through capacity on the Island is not to happen in order to keep the traffic volume down.

Councilmember deHaan stated periodically widening and lane changes

are done.

The Transportation Commission Chair stated widening and lane changes are one of the reasons the Transportation Commission brought up the matter; continually, plans come forward to widen and change lanes.

Councilmember deHaan inquired whether widening or lane changes are healthy, to which the Transportation Commission Chair responded the Commission felt that roads should not be widened.

Mayor Johnson inquired whether existing roads were being addressed, to which the Transportation Commission Chair responded in the affirmative.

The City Engineer stated that the Public Works Department disagrees with the Transportation Commission Chair; currently the General Plan discourages cut-through traffic, not cross-Island traffic; widening lanes is okay.

Councilmember deHaan stated the issue seems very restrictive and the City should not be limited.

The Transportation Commission Chair stated the Transportation Commission felt the issue was restrictive and wanted to bring the matter to Council before time was spent talking about the TMP.

Mayor Johnson inquired whether the policy could be written to be flexible, to which the Transportation Commission Chair responded a flexible policy could be written but would be a continuation of what already exists.

Councilmember deHaan stated he would want more interpretation on the impacts and how to narrow down the impacts; he would like to keep all roadways 25 miles per hour, which is the best policy; inquired whether a State policy addresses something different.

Mayor Johnson inquired what the standards are called to set traffic speeds on Otis Drive, to which the Transportation Commission Chair responded 85<sup>th</sup> percentile.

Mayor Johnson stated she does not have a problem with the 25 miles per hour speed limit; Otis Drive is a State highway; very few roads have speed limits higher than 25 miles per hour; the City does not need speed limits higher than 25 miles per hour; practically every Alameda Street is a neighborhood.

Councilmember deHaan stated he would like to review some streets

that have speed limits of 35 miles per hour.

The Transportation Commission Chair stated a survey was mailed out to a random sample of 1,200 Alameda Power and Telecom customers; speed limit was one of the specific questions; there was overwhelming support for not raising the speed limit.

The City Engineer stated classification systems are used for funding purposes; the Congestion Management Agency (CMA) looks at speeds; an impact exists if speed is lower than the speed designated for an arterial; impacts have to be mitigated.

Mayor Johnson stated Alameda's arterials are different than other cities and should not be compared with other cities; Alameda does not have true arterials.

Councilmember Matarrese stated that he likes the roadway alterations policies being fairly tight; restrictions provide a direction that moves away from reliance on single occupancy vehicles; goals need to be met at some point; planning can be driven from policies rather than a dictate for a 35 mile per hour four-lane road; policies need to be reviewed carefully; he likes all of the policies, except Policy No. 7; Policy No. 7 does not meet the explanation and intent that has been given; Policy No. 7 could use some polishing, but the intent is good.

Jon Spangler, Alameda, stated he supports the draft policies and the work of the Transportation Commission; the entire point of the seven policies is to make the actual costs of driving automobiles more explicit; society has been slow in recognizing and accounting for the costs; waiting in traffic for five to ten minutes when a draw bridge is up is more than Level F but is not classified as a significant impact because it is part of the price of being in Alameda; he rejects any suggestion to make Webster Street and Appezato Parkway an eight-lane intersection in order to accommodate the few hours per day that there might be high traffic; Policy No. 7's intent is to find other ways to solve the problem instead of encouraging more cars on the road and adding to the problem; urged Council to support the staff findings and recommendations so that the seven policies and traffic study can move forward.

Councilmember deHaan inquired what language [in Policy No. 1] would be more satisfactory to staff.

The City Engineer responded Policy No. 1's language is not the issue; stated streets would need to be labeled in a way not to call the streets arterials and would need to be designed in a way to

disperse the traffic.

Councilmember deHaan inquired whether the City could live with Policy No. 1, or whether the policy would need to be modified.

The City Engineer responded impacts could be reviewed through the environmental review and the wording could be changed at that time, or mitigations could be addressed.

Councilmember deHaan inquired whether the process would be consistent with the Transportation Commission.

The Transportation Commission Chair responded in the affirmative; stated the intent is to give direction ahead of time so that the EIR's do not have mitigations that do not make sense; The Transportation Commission and Planning Board would have discussions and Council would be able to make decisions based upon the traffic data by next June or July.

Councilmember deHaan inquired whether Council wanted to give some direction on Policy No. 7.

Mayor Johnson responded work needs to be done on Policy No. 7's language and would be done through the environmental impact analysis.

Councilmember deHaan inquired whether further clarification and expansion would be requested for Policy No. 7.

Mayor Johnson responded all policies, not only Policy No. 7; reviewing the impacts of all seven policies is good; information on the policies' impacts is not available.

Councilmember Matarrese stated if Council approves doing the study, testing could be done by running the policies through the new model if Council approves doing the study, which only is possible if the \$100,000 in Measure B funds is appropriated.

Councilmember Matarrese moved approval of expeditiously moving forward with the appropriation so that the policies can be tested and bringing back the policies as rapidly as possible, through the Transportation Commission and Planning Board, so that Council can receive the benefit of the recommendation from the two Boards.

Councilmember Daysog inquired whether the policies are being accepted as a draft or Council is adopting the policies.

Mayor Johnson responded money would be allocated to move forward

with the studies.

Councilmember Matarrese stated funds need to be allocated for the model; inquired whether the policies need to be tested using the new model.

The City Engineer responded Council would need to adopt the policies in order to have a General Plan amendment; the traffic analysis needs to be done if policies are adopted.

The Public Works Director stated Council would be giving direction to begin the analysis of the policies as well as the previous policies; information would come back to Council through the Planning Board and the Transportation Commission with a recommendation as to whether or not there are certain intersections that Council may want to accept a higher level of service because of the recognition of the encouragement of pedestrian or bicycle access or transit; Council would be allocating the money to begin the analysis.

Councilmember Matarrese stated the policies are not policies but are a test suit of data or parameters that are going to be run through a model to see what happens at the end of the model.

The Public Works Director stated the policies might eventually become the approved policies.

Councilmember Matarrese inquired whether currently the policies are not policies, to which the Public Works Director responded in the affirmative.

The Transportation Commission Chair stated the Transportation Commission's intent is that the policies are specific policies that would be tested before the policies are being adopted; the Transportation Commission was hopeful that the Council would accept the policies as guidelines for reviewing EIRs.

Councilmember Matarrese stated he wished to modify his motion.

The Public Works Director stated the current General Plan needs to be used to review the EIR; the policies could not be used as guidelines if the policies are not consistent with the General Plan.

Mayor Johnson stated the next step would be to amend the General Plan if Council likes the way the policies work.

The Public Works Director stated the process would be to amend the

Transportation Element in the General Plan.

Mayor Johnson inquired whether the intent would be not to amend the policies as part of the EIR process until the analysis is completed.

The Public Works Director responded staff's opinion is that the General Plan amendment would need to be initiated in order to use the policies; the associated analysis, with the General Plan amendment, is not expected to be complete until September of next year.

Councilmember Matarrese inquired which guideline is in conflict with the General Plan.

The Public Works Director responded the existing General Plan states that the level of service for intersections should be Level D; mitigation needs to be provided when a traffic analysis is run in an EIR and a level of service F is noted at an intersection; stated mitigation is done by adding lanes.

Councilmember Matarrese stated another mitigation could be found other than adding lanes; he was referring to a conflict with the General Plan; the General Plan states that mitigation is necessary when a certain level of service is hit; widening roadways is only one way to mitigate the service.

The Public Works Director stated the General Plan is only tied to level of service at intersections, which is measured by delay; the General Plan is very motor vehicle focused and all the policies tend to be motor vehicle focused; TDM is encouraged but there is no detailed information on deductions for TDM.

Councilmember Matarrese stated the policies do not conflict with the General Plan; the General Plan requires a level of service.

The Public Works Director stated that the General Plan also includes Capital Improvement Projects that add lanes.

Mayor Johnson stated the Capital Improvement Projects do not need to be done; inquired whether the General Plan states that the only way to mitigate traffic is by adding lanes.

The Public Works Director responded the General Plan states that the policy is Level D for intersections.

Mayor Johnson stated there are countless ways to mitigate the problem; inquired whether practice is limited to mitigating Level D



service by expanding lanes.

The Supervising Planner responded balancing and thinking about all modes of transportation are needed, particularly with proposed mitigations; stated the policies will go through a rigorous study; the community would be involved.

Mayor Johnson stated she does not see an inconsistency with the General Plan; inquired whether other mitigations can be proposed.

The Supervising Planner responded in the affirmative; stated for an impact at Central Avenue and Eighth Street, mitigation could be done by taking out parking, adding travel lanes, and taking out trees; the analysis might say that the mitigation should not be done.

Mayor Johnson stated General Plan inconsistencies need to be addressed when the policies come back.

Councilmember Matarrese stated the policies could be applied as written with the condition that unless there is a specific reference in the General Plan that requires the widening of a roadway, the policies could be used as a guidance or the policies could be used if there is a specific intersection that will be widened beyond the width of the approaching roadway specifically called out in the General Plan in text; he is betting that there are very few instances in the General Plan that state traffic lanes would be added.

The Supervising Planner stated the project goal is to come back with a General Plan amendment to adopt a Transportation Element; inconsistencies may be found.

Councilmember Matarrese stated a secondary goal is to apply the principles to EIR's that are coming before Council.

Councilmember deHaan stated Council is looking at the policies as guidelines and not accepted policies per se.

Mayor Johnson stated the guidelines would be tested and analyzed in long-range plans and would become policies that would become part of the General Plan; the idea is to use the policies as guidelines in considering EIR's in the short term.

Councilmember Matarrese stated he interprets a guideline as an initiation point; making the project work or taking care of the situation within the guidelines is fine; otherwise justification and mitigation need to be looked at beyond guidelines; guidelines

guide to a solution; initially, the policies would be run through the model on the way to a General Plan amendment and modified as needed; then, the policies would be used as interim guidance (with the exception of Policy No. 7, which needs some rework) with the qualification that the General Plan would prevail if there is a specific requirement in the General Plan that is contrary.

Mayor Johnson stated it is important to make sure the requirement is really contrary.

Councilmember Matarrese stated contrary means roadways would not be widened to create additional automobile travel lanes; contrary to the General Plan would be to widen "X" Street with additional travel lanes as specified.

Councilmember deHaan stated a lot of evaluation would not be necessary; only certain intersections need to be mitigated; the issue is being considered bigger than it is.

Mayor Johnson disagreed with Councilmember deHaan; stated the interpretation being reviewed is that the policies cannot be used as guidelines because the policies are inconsistent with the General Plan; the policies could be used as guidelines in the interim because the policies do not appear to be inconsistent with the General Plan; she feels that Councilmember Matarrese's motion deals with the issue.

Councilmember Matarrese moved approval of appropriating funds to start the study with direction that: 1) the results come back through the Transportation Commission and the Planning Board for a General Plan Amendment to the Council, 2) Policy No. 1 through 6 are applied as guidelines in the interim, with Policy No. 7 to be rewritten; and 3) the guidance would be used unless there was an explicit conflict stated in the General Plan requirement.

Councilmember deHaan inquired whether other policies were reviewed and should be used as part of the test.

The Transportation Commission Chair responded the Transportation Master Plan is a five-page document; stated the Transportation Element would be an entire revamp.

Councilmember Daysog inquired whether everyone is using EMM2.

The City Engineer responded everyone used EMM2 before; stated Voyager Cube is the new model and would be used by everyone.

Councilmember Daysog inquired whether everyone means everyone in

Alameda County subject to the CMA or just everyone generally.

The City Engineer responded at least Alameda County because CMA requires that Voyager Cube be used for a General Plan update for CMA's link analysis; stated other traffic models can be used for the operational analysis.

Councilmember Daysog inquired why the link analysis is important.

The City Engineer responded the link analysis shows if there is sufficient capacity on roadway systems; a deficiency occurs if there is not sufficient capacity; CMA would require that the situation be mitigated, which costs money.

Councilmember Daysog inquired whether the EMM2 has a link analysis.

The City Engineer responded in the affirmative; stated the CMA did not like the software.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog stated that he interpreted that the autopilot is not an issue for Policy No. 7 and would go through the process of being evaluated.

On the call for the question, the motion carried by unanimous voice vote - 5.

Councilmember deHaan stated many EIRs are coming forward; he hopes that overall developments are reviewed when looking at the Transportation Master Plan, not just segments that are coming forward; the piece meal affect does nothing but get one segment through.

Councilmember Matarrese stated an hour has been spent discussing the issue; Council would be remise in not thanking the Transportation Commission and Public Works staff for all the analysis; the issue is difficult; countless hours have been spent on the issue; he does not want anyone to misconstrue that the issue is easy and Council is just trying to forward on with the matter; the issue is a moving target and changes with people's habits, let alone development; he is thankful for the volunteers and engineers who know what they are doing.

#### ORAL COMMUNICATIONS, NON-AGENDA

(06-523) Rob Schmidt, Alameda, requested an explanation on how the cable system will grow to be financially viable soon.

Mayor Johnson suggested that Mr. Schmidt discuss the matter with staff.

(06-524) Gretchen Lipow, Alameda, inquired why the Maitland Avenue and Harbor Bay Parkway corner parcel was moved; further inquired why the parcel was sold below market value and did not remain open green space.

Mayor Johnson suggested that Ms. Lipow submit the questions to staff.

The City Manager stated a staff report would be provided to Ms. Lipow also.

#### COUNCIL COMMUNICATIONS

(06-525) Vice Mayor Gilmore stated money was allocated for a feasibility study and fire station acquisition during the last budget process; inquired whether the study been initiated.

The City Manager stated said information would be provided to Council.

(06-526) Councilmember Daysog requested an update on the Economic Development Strategic Plan survey.

(06-527) Councilmember deHaan requested that the financial strategic planning tool be scheduled for discussion.

#### ADJOURNMENT

(06-528) Mayor Johnson announced that the November 7, 2006 Regular City Council Meeting would be adjourned to Tuesday, November 14, 2006 due to the November 7, 2006 General Municipal Election. There being no further business, Mayor Johnson adjourned the Regular Meeting 11:05 p.m.

Respectfully submitted,

Lana Stoker  
Acting City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -OCTOBER 17, 2006- -6:40 P.M.

Mayor Johnson convened the Special Meeting at 6:50 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider

(06-509) Conference with Labor Negotiators; Agency negotiators: Craig Jory and Human Resources Director; Employee organizations: Alameda City Employees Association, Executive Management Group, International Brotherhood of Electrical Workers, Management and Confidential Employees Association, and Police Association Non-Sworn.

(06-510) Conference with Legal Counsel - Existing Litigation; Name of case: Collins v. City of Alameda.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Labor, Council received an update and gave direction to its Labor Negotiators; regarding Existing Litigation, Council received a litigation status update from Legal Counsel and no action was taken.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:45 p.m.

Respectfully submitted,

Lana Stoker  
Acting City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING  
TUESDAY- -OCTOBER 17, 2006- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:50 p.m.  
Councilmember/Commissioner Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,  
deHaan, Gilmore, Matarrese, and  
Mayor/Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

Councilmember/Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*06-062 CIC) Minutes of the Special Joint City Council, Community Improvement Commission, and Housing Authority Board of Commissioners Meeting and Special Community Improvement Commission Meeting held on October 3, 2006. Approved.

(\*06-063 CIC) Resolution No. 06-148, "Approving the Report to the City Council on the Proposed Sixth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project, Authorizing Transmittal of Said Report to the City Council of the City of Alameda, and Consenting to Holding a Joint Public Hearing with the City Council." Adopted; and

(\*06-511 CC) Resolution No. 14028, "Receiving the Report to City Council Prepared for the Proposed Sixth Amendment to the Community Improvement Plan for the Business and Waterfront Improvement Project and Consenting to Holding a Joint Public Hearing with the Community Improvement Commission of the City of Alameda." Adopted.

AGENDA ITEM

(06-512CC/06-064 CIC) Public Hearing to consider certification of a supplemental Environmental Impact Report (EIR), approval of a General Plan Amendment, Master Plan Amendment, a Development Agreement Amendment, two new Development Agreements, a Disposition

and Development Agreement Amendment and a new Disposition and Development Agreement to replace 1,300,000 square feet of approved, but not yet constructed, office and research and development uses with 400,000 square feet of a Health Club and up to 300 residential units in the Catellus Mixed Use Development. **Continued to November 21, 2006.**

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:55 p.m.

Respectfully submitted,

Lana Stoker, Acting City Clerk  
Acting Secretary, Community  
Improvement Commission

The agenda for this meeting was posted in accordance with the Brown Act.